

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID LIVINGSTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:24-914-RJC
	)	
UPMC BENEFIT MANAGEMENT	)	
SERVICES INC.,	)	
	)	
Defendant.	)	
	)	

**ORDER**

IT IS ORDERED that the following deadlines are set for the above-captioned matter:

**1. Initial Rule 16 Case Management Conference**

The above case has been assigned to me for all further proceedings. Pursuant to Local Rules 16.1 and 16.2, an initial case management conference will be conducted to discuss narrowing of the issues, the extent of pretrial preparation, discovery procedures, the early disposition of controlling questions of law, the probable extent of provable damages, the possibility of settlement, and the designation of an Alternative Dispute Resolution process pursuant to Local Rule. **Chief trial counsel shall attend the initial case management conference.** Counsel and the parties should be prepared to discuss settlement as well as Alternative Dispute Resolution.

The Conference in this case will be held **via telephone**, unless requested by written motion with consent of all parties at least two weeks prior to the scheduled date. Said initial case management conference is hereby scheduled to take place on Wednesday, November 13, 2024 at 9:30am **Counsel are reminded that the Court has previously entered dial-in instructions on the docket for counsel's eyes only and are instructed to refer to the docket in this matter in order to obtain those instructions.**

Should counsel request in writing that the Court conduct said conference in person, and further, should the Court grant said request, it will be held in in Room 8370, Eighth Floor of Joseph F. Weis, Jr. U.S. Courthouse, 7th Avenue and Grant Street, Pittsburgh, PA 15219.

## **2. Joint Preconference Statement**

At least **five (5) business days prior** to the Initial Case Management Conference, or by **November 8, 2024**, the parties shall file on the docket a **Joint Pre-Conference statement**, electing the docketing entry of "Joint Status Report" from the drop-down menu. For specific requirements of said Joint Pre-Conference Statement, *see* Hon. Robert J. Colville Practices and Procedures, III.A.2. Any party may supplement the joint pre-conference statement with an individually filed voluntary position statement. *See* Hon. Robert J. Colville Practices and Procedures, III.A.3.

## **3. Rule 26(f) Conference**

As required by Rule 26(f) of the Federal Rules of Civil Procedure, the parties must, as soon as practicable and in any event at least 21 days before 11/13/2024 , i.e. the date set forth above for the initial case management conference, "confer to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Rule 26(a)(1), and to develop a proposed

discovery plan." See Fed. R. Civ. P. 26(f).

#### **4. Rule 26(f) Report and ADR Stipulation**

Pursuant to Rule 26(f), the attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for filing with the Court a written report outlining their discovery plan. (The Rule 26(f) Report and the ADR Stipulation must be filed using the Western District of Pennsylvania's forms found at <http://www.pawd.uscourts.gov/forms>.) ***This court requires strict compliance with Rule 26.***

The Stipulation Selecting ADR Process and the Rule 26(f) Report Form as well as, if appropriate, any Expedited Docket Stipulation (see copy of form at link referenced herein), shall be filed on or before Wednesday, October 30, 2024

Counsel should be familiar with this Court's Practices and Procedures (see Court Practices and Procedures at [www.pawd.uscourts.gov](http://www.pawd.uscourts.gov), link "court practice").

#### **5. Expedited Civil Litigation Alternative to ADR**

Effective, September 4, 2012, as an alternative to participating in the Court's ADR process, the parties may elect to participate in this Court's Expedited Civil Litigation Program. The purpose of this program is to offer parties the option of alternative, abbreviated, efficient, and cost-effective litigation and trial. **Participation is entirely voluntary.** Further information about the program can be found on the Court's website at <http://www.pawd.uscourts.gov/expedited-civil-litigation>.

Parties who wish to participate in the Expedited Civil Litigation Program should meet and confer collectively and with their respective clients and discuss all aspects of the program before executing the Expedited Docket Stipulation, available at the above website. When discussing this option, the parties should consider: the cost of litigation; the complexity of the case; the number

of witnesses; the likelihood of a successful dispositive motion; the pretrial and post-trial limitations established by the program; and the relative value of the case. The **irrevocable** Expedited Docket Stipulation is due at least three (3) business days prior to the Initial Case Management Conference. Note that the filing of the Expedited Docket Stipulation negates the requirement of the parties to file a Stipulation Selecting ADR Process.

If the parties stipulate to participate in the Court's Expedited Civil Litigation Program, counsel shall comply with the provisions of said program (<http://www.pawd.uscourts.gov/sites/pawd/files/expedited-docket-stipulation.pdf>).

**SO ORDERED on this date, September 23, 2024**

*s/Robert J. Colville*

Robert J. Colville  
United States District Judge

cc/ecf: Counsel of record